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6  
7 **UNITED STATES DISTRICT COURT**  
8 **EASTERN DISTRICT OF WASHINGTON**  
**AT YAKIMA**

9 ENRIQUE JEVONS as managing  
member of Jevons Properties LLC,  
10 et al.,

11 Plaintiffs,

12 v.

13 JAY INSLEE, in his official  
capacity as the Governor of the  
14 State of Washington, et al.,

15 Defendants.

NO. 1:20-cv-03182-SAB

ANSWER TO FIRST  
AMENDED COMPLAINT

16 **GENERAL DENIALS**

17 Defendants Jay Inslee, in his official capacity as Governor of the State of  
18 Washington, and Robert Ferguson, in his official capacity as Attorney General of  
19 the State of Washington, by and through their attorneys, Attorney General  
20 Robert W. Ferguson; Assistant Attorneys General Zachary Pekelis Jones, Brian  
21 H. Rowe, and Cristina Sepe, and Deputy Solicitor General Jeffrey T. Even,  
22

1 hereby answer Plaintiffs' First Amended Complaint. Except as herein expressly  
2 admitted or qualified, Defendants deny each and every allegation, statement, or  
3 charge contained in the First Amended Complaint, and deny that Plaintiffs are  
4 entitled to any of the relief requested.

5 The coronavirus disease 2019 (COVID-19) pandemic is an unprecedented  
6 state, national, and international emergency that requires an unprecedented  
7 governmental response to protect public health. The emergency orders issued by  
8 the Governor of Washington, like similar orders issued by numerous national,  
9 state, regional, and local governments around the world, currently represent the  
10 best mechanism to mitigate the spread of COVID-19. Specifically,  
11 Proclamation 20-19 (including its amendatory proclamations) is a lawful exercise  
12 of the Governor's emergency powers that infringes none of Plaintiffs'  
13 constitutional rights. Defendants respond to the numbered allegations in the First  
14 Amended Complaint as follows:

### 15 **INTRODUCTION**

16 1. Defendants admit that Governor Jay Inslee issued emergency  
17 Proclamations 20-19 through 20-19.4 in response to the COVID-19 pandemic.  
18 Defendants deny Plaintiffs' characterizations of these emergency Proclamations,  
19 the text of which speaks for itself. The second sentence of Paragraph 1 contains  
20 legal conclusions or argument, to which no response is required. Defendants are  
21 without information sufficient to form a belief as to the truth of the other  
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1 allegations in Paragraph 1, and therefore deny the same. To the extent a further  
2 response is required, Defendants deny the remainder of Paragraph 1.

3 2. Defendants deny Plaintiffs' characterization of the Proclamations,  
4 the text of which speaks for itself. Paragraph 2 contains legal conclusions or  
5 argument, to which no response is required. Defendants are without information  
6 sufficient to form a belief as to the truth of the factual allegations in Paragraph 2,  
7 and therefore deny the same. To the extent a further response is required,  
8 Defendants deny the remainder of Paragraph 2.

9 3. Defendants deny Plaintiffs' characterization of the Proclamations,  
10 the text of which speaks for itself. Paragraph 3 asserts legal conclusions to which  
11 no response is required. To the extent a further response is required, Paragraph 3  
12 is denied.

13 4. Defendants are without information sufficient to form a belief as to  
14 the truth of the allegations in Paragraph 4, and therefore deny the same.

15 5. Paragraph 5 asserts legal conclusions to which no response is  
16 required. To the extent a response is required, Paragraph 5 is denied.

17 **JURISDICTION AND VENUE**

18 6. Paragraph 6 asserts legal conclusions to which no response is  
19 required. To the extent a response is required, Paragraph 6 is denied.

20 7. Defendants admit that venue is proper in this judicial district. To the  
21 extent a further response is required, the remainder of Paragraph 7 is denied.  
22

1 **PARTIES**

2 8. Defendants are without information sufficient to form a belief as to  
3 the truth of the allegations in Paragraph 8, and therefore deny the same.

4 9. Defendants are without information sufficient to form a belief as to  
5 the truth of the allegations in Paragraph 9, and therefore deny the same.

6 10. Defendants are without information sufficient to form a belief as to  
7 the truth of the allegations in Paragraph 10, and therefore deny the same.

8 11. Defendants admit that Governor Jay Inslee is the Governor of the  
9 State of Washington, that he is being sued in his official capacity, and that he  
10 issued the Proclamations in question. The other allegations in Paragraph 11 are  
11 legal conclusions to which no response is required. To the extent a further  
12 response is required, Paragraph 11 is denied.

13 12. Defendants admit that Attorney General Robert Ferguson is the  
14 Attorney General of the State of Washington and that he is being sued in his  
15 official capacity. The other allegations in Paragraph 12 are legal conclusions to  
16 which no response is required. To the extent a further response is required,  
17 Paragraph 12 is denied.

18 **STANDING**

19 13. Paragraph 13 asserts legal conclusions to which no response is  
20 required. To the extent a response is required, Paragraph 13 is denied.

21 14. Paragraph 14 asserts legal conclusions to which no response is  
22 required. To the extent a response is required, Paragraph 14 is denied.

1 **FACTUAL ALLEGATIONS**

2 **A. Plaintiffs and their Property**

3 15. Defendants are without information sufficient to form a belief as to  
4 the truth of the allegations in Paragraph 15, and therefore deny the same.

5 16. Defendants are without information sufficient to form a belief as to  
6 the truth of the allegations in Paragraph 16, and therefore deny the same.

7 17. Defendants are without information sufficient to form a belief as to  
8 the truth of the allegations in Paragraph 17, and therefore deny the same.

9 18. Defendants are without information sufficient to form a belief as to  
10 the truth of the allegations in Paragraph 18, and therefore deny the same.

11 **B. The Outbreak of COVID-19**

12 19. Defendants admit that Governor Jay Inslee issued emergency  
13 Proclamations in response to the novel COVID-19 pandemic, and that the  
14 pandemic has had significant, negative, and global economic effects, and affected  
15 the lives of all or virtually all Americans. As to the other allegations in Paragraph  
16 19, they are legal conclusions to which no response is required, or Defendants  
17 are without information sufficient to form a belief as to their truth, and therefore  
18 deny them.

19 20. Defendants admit that on February 29, 2020, Governor Jay Inslee  
20 issued Proclamation 20-05 declaring a State of Emergency in response to the  
21 COVID-19 global pandemic, and that on March 23, 2020, Governor Jay Inslee  
22 issued Proclamation 20-25, "Stay Home – Stay Healthy." Defendants deny that

1 the other phrases quoted in Paragraph 20 appear in Proclamation 20-25 and  
2 otherwise deny Plaintiffs' characterization of the Proclamations.

3 **C. The Governor's Eviction-Related Proclamations**

4 21. Defendants admit that on March 18, 2020, Governor Jay Inslee  
5 issued Proclamation 20-19, Evictions, amending Proclamation 20-05.  
6 Defendants admit that the Proclamation stated that it was to remain in effect until  
7 April 17, 2020. The text of the Proclamation speaks for itself. The other  
8 allegations in Paragraph 21 are legal conclusions to which no response is  
9 required. To the extent a further response is required, Paragraph 21 is denied.

10 22. Defendants admit that on April 16, 2020, Governor Jay Inslee issued  
11 Proclamation 20-19.1, Evictions, amending and extending Proclamation 20-19.  
12 Defendants admit that the Proclamation stated that it was to remain in effect until  
13 June 4, 2020. The text of the Proclamation speaks for itself. The other allegations  
14 in Paragraph 22 are legal conclusions to which no response is required. To the  
15 extent a further response is required, Paragraph 22 is denied.

16 a. The allegations in Paragraph 22.a are legal conclusions to which no  
17 response is required. To the extent a further response is required, Paragraph 22.a  
18 is denied.

19 b. The allegations in Paragraph 22.b are legal conclusions to which no  
20 response is required. To the extent a further response is required, Paragraph 22.b  
21 is denied.

1           23. Defendants admit that on June 2, 2020, Governor Jay Inslee issued  
2 Proclamation 20-19.2, Evictions, extending and amending Proclamation 20-19.  
3 Defendants admit that the Proclamation stated that it was to remain in effect until  
4 August 1, 2020. Defendants admit that on July 24, 2020, Governor Jay Inslee  
5 issued Proclamation 20-19.3, Evictions, extending and amending  
6 Proclamation 20-19. Defendants admit that the Proclamation stated that it was to  
7 remain in effect until October 15, 2020. Defendants admit that on  
8 October 14, 2020, Governor Jay Inslee issued Proclamation 20-19.4, Evictions,  
9 extending and amending Proclamation 20-19. Defendants admit that the  
10 Proclamation stated that it was to remain in effect until December 31, 2020.  
11 Defendants admit that a copy of Proclamation 20-19.4 is attached to Plaintiffs'  
12 Complaint as Appendix A. The text of the Proclamation speaks for itself. The  
13 other allegations in Paragraph 23 are legal conclusions to which no response is  
14 required. To the extent a further response is required, Paragraph 23 is denied.

15           24. The allegations in Paragraph 24 are legal conclusions to which no  
16 response is required. To the extent a further response is required, Paragraph 24 is  
17 denied.

18           25. The allegations in Paragraph 25 are legal conclusions to which no  
19 response is required. To the extent a further response is required, Paragraph 25 is  
20 denied.  
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1           26. The allegations in Paragraph 26 are legal conclusions to which no  
2 response is required. To the extent a further response is required, Paragraph 26 is  
3 denied.

4           27. The allegations in Paragraph 27 are legal conclusions to which no  
5 response is required. To the extent a further response is required, Paragraph 27 is  
6 denied.

7           28. The allegations in Paragraph 28 are legal conclusions to which no  
8 response is required. To the extent a further response is required, Paragraph 28 is  
9 denied.

10          29. The allegations in Paragraph 29 are legal conclusions to which no  
11 response is required. To the extent a further response is required, Paragraph 29 is  
12 denied.

13          30. The allegations in Paragraph 30 are legal conclusions to which no  
14 response is required. To the extent a further response is required, Paragraph 30 is  
15 denied.

16          31. The allegations in Paragraph 31 are legal conclusions to which no  
17 response is required. To the extent a further response is required, Paragraph 31 is  
18 denied.

19          32. The allegations in Paragraph 32(a)-(d) are legal conclusions to  
20 which no response is required. To the extent a response is required, Paragraph 32  
21 is denied.  
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33. Defendants incorporate by reference the preceding responses to each enumerated paragraph. To the extent a further response is required, Paragraph 33 is denied.

34. The allegations in Paragraph 34 are legal conclusions to which no response is required. To the extent a further response is required, Paragraph 34 is denied.

35. The allegations in Paragraph 35 are legal conclusions to which no response is required. To the extent a further response is required, Paragraph 35 is denied.

36. The allegations in Paragraph 36 are legal conclusions to which no response is required. To the extent a further response is required, Paragraph 36 is denied.

37. The allegations in Paragraph 37 are legal conclusions to which no response is required. To the extent a further response is required, Paragraph 37 is denied.

38. The allegations in Paragraph 38 are legal conclusions to which no response is required. To the extent a further response is required, Paragraph 38 is denied.

1           39. The allegations in Paragraph 39 are legal conclusions to which no  
2 response is required. To the extent a further response is required, Paragraph 39 is  
3 denied.

4           40. The allegations in Paragraph 40 are legal conclusions to which no  
5 response is required. To the extent a further response is required, Paragraph 40 is  
6 denied.

7           41. The allegations in Paragraph 41 are legal conclusions to which no  
8 response is required. To the extent a further response is required, Paragraph 41 is  
9 denied.

10          42. The allegations in Paragraph 42 are legal conclusions to which no  
11 response is required. To the extent a further response is required, Paragraph 42 is  
12 denied.

13          43. The allegations in Paragraph 43 are legal conclusions to which no  
14 response is required. To the extent a further response is required, Paragraph 43 is  
15 denied.

16          44. The allegations in Paragraph 44 are legal conclusions to which no  
17 response is required. To the extent a further response is required, Paragraph 44 is  
18 denied.

19          45. The allegations in Paragraph 45 are legal conclusions to which no  
20 response is required. To the extent a further response is required, Paragraph 45 is  
21 denied.

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1           46. The allegations in Paragraph 46 are legal conclusions to which no  
2 response is required. To the extent a further response is required, Paragraph 46 is  
3 denied.

4           47. The allegations in Paragraph 47 are legal conclusions to which no  
5 response is required. To the extent a further response is required, Paragraph 47 is  
6 denied.

7           48. The allegations in Paragraph 48 are legal conclusions to which no  
8 response is required. To the extent a further response is required, Paragraph 48 is  
9 denied.

10          49. The allegations in Paragraph 49 are legal conclusions to which no  
11 response is required. To the extent a further response is required, Paragraph 49 is  
12 denied.

13          50. The allegations in Paragraph 50 are legal conclusions to which no  
14 response is required. To the extent a further response is required, Paragraph 50 is  
15 denied.

16          51. The allegations in Paragraph 51 are legal conclusions to which no  
17 response is required. To the extent a further response is required, Paragraph 51 is  
18 denied.

19          52. The allegations in Paragraph 52 are legal conclusions to which no  
20 response is required. To the extent a further response is required, Paragraph 52 is  
21 denied.

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1           53. The allegations in Paragraph 53 are legal conclusions to which no  
2 response is required. To the extent a further response is required, Paragraph 53 is  
3 denied.

4           54. The allegations in Paragraph 54 are legal conclusions to which no  
5 response is required. To the extent a further response is required, Paragraph 54 is  
6 denied.

7           55. The allegations in Paragraph 55 are legal conclusions to which no  
8 response is required. To the extent a further response is required, Paragraph 55 is  
9 denied.

10                                   **SECOND CLAIM FOR RELIEF**

11           **Violation of the Takings Clause of the Fifth Amendment to the United**  
12                                   **States Constitution**  
13                                   **(Declaratory relief under 42 U.S.C. § 1983)**

14           56. Defendants incorporate by reference the preceding responses to each  
15 enumerated paragraph. To the extent a further response is required, Paragraph 56  
16 is denied.

17           57. The allegations in Paragraph 57 are legal conclusions to which no  
18 response is required. To the extent a further response is required, Paragraph 57 is  
19 denied.

20           58. The allegations in Paragraph 58 are legal conclusions to which no  
21 response is required. To the extent a further response is required, Paragraph 58 is  
22 denied.

1           59. The allegations in Paragraph 59 are legal conclusions to which no  
2 response is required. To the extent a further response is required, Paragraph 59 is  
3 denied.

4           60. The allegations in Paragraph 60 are legal conclusions to which no  
5 response is required. To the extent a further response is required, Paragraph 60 is  
6 denied.

7           61. The allegations in Paragraph 61 are legal conclusions to which no  
8 response is required. To the extent a further response is required, Paragraph 61 is  
9 denied.

10          62. The allegations in Paragraph 62 are legal conclusions to which no  
11 response is required. To the extent a further response is required, Paragraph 62 is  
12 denied.

13          63. The allegations in Paragraph 63 are legal conclusions to which no  
14 response is required. To the extent a further response is required, Paragraph 63 is  
15 denied.

16          64. The allegations in Paragraph 64 are legal conclusions to which no  
17 response is required. To the extent a further response is required, Paragraph 64 is  
18 denied.

19          65. The allegations in Paragraph 65 are legal conclusions to which no  
20 response is required. To the extent a further response is required, Paragraph 65 is  
21 denied.

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1           72. The allegations in Paragraph 72 are legal conclusions to which no  
2 response is required. To the extent a response is required, Paragraph 72 is denied.

3                                   **FOURTH CLAIM FOR RELIEF**

4                   **Violation of the Due Process Clause of the Fourteenth Amendment**  
5                   **(Declaratory relief under 42 U.S.C. § 1983)**

6           73. Defendants incorporate by reference the preceding responses to each  
7 enumerated paragraph. To the extent a further response is required, Paragraph 73  
8 is denied.

9           74. The allegations in Paragraph 74 are legal conclusions to which no  
10 response is required. To the extent a further response is required, Paragraph 74 is  
11 denied.

12           75. The allegations in Paragraph 75 are legal conclusions to which no  
13 response is required. To the extent a further response is required, Paragraph 75 is  
14 denied.

15           76. The allegations in Paragraph 76 are legal conclusions to which no  
16 response is required. To the extent a further response is required, Paragraph 76 is  
17 denied.

18           77. The allegations in Paragraph 77 are legal conclusions to which no  
19 response is required. To the extent a further response is required, Paragraph 77 is  
20 denied.

1           78. The allegations in Paragraph 78 are legal conclusions to which no  
2 response is required. To the extent a further response is required, Paragraph 78 is  
3 denied.

4           79. The allegations in Paragraph 79 are legal conclusions to which no  
5 response is required. To the extent a further response is required, Paragraph 79 is  
6 denied.

7           80. The allegations in Paragraph 80 are legal conclusions to which no  
8 response is required. To the extent a further response is required, Paragraph 80 is  
9 denied.

10          81. The allegations in Paragraph 81 are legal conclusions to which no  
11 response is required. To the extent a further response is required, Paragraph 81 is  
12 denied.

13          82. The allegations in Paragraph 82 are legal conclusions to which no  
14 response is required. To the extent a further response is required, Paragraph 82 is  
15 denied.

16          83. The allegations in Paragraph 83 are legal conclusions to which no  
17 response is required. To the extent a further response is required, Paragraph 83 is  
18 denied.



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1           11. Abstention doctrines warrant a stay or dismissal of the case.

2           12. The challenged Proclamations have a real and substantial relation to  
3 the COVID-19 public health crisis and is not a plain, palpable invasion of  
4 Plaintiffs' rights.

5           13. The Proclamations are narrowly tailored to advance a compelling  
6 governmental interest.

7           14. The Proclamations reasonably and appropriately further the  
8 legitimate and significant goal of combatting the COVID-19 pandemic.

9           15. The Proclamations are appropriate uses of the State's police power  
10 to protect public health and welfare.

11           16. The Proclamations are appropriate uses of the emergency powers of  
12 the Governor.

13                           **DEFENDANTS' REQUEST FOR RELIEF**

14           Wherefore, Defendants pray that the Court:

15           1. Dismiss Plaintiffs' First Amended Complaint with prejudice;

16           2. Deny all relief Plaintiffs request;

17           3. Grant Defendants their costs and reasonable attorneys' fees; and,

18           4. Grant Defendants such other and further relief as the Court may  
19 deem just and proper.

20           DATED this 11th day of May 2021.

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ROBERT W. FERGUSON  
Attorney General

/s/ Brian H. Rowe

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**DECLARATION OF SERVICE**

I hereby declare that on this day I caused the foregoing document to be electronically filed with the Clerk of the Court using the Court’s CM/ECF System which will serve a copy of this document upon all counsel of record.

DATED this 11th day of May 2021, at Seattle, Washington.

/s/ Brian H. Rowe  
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